

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

IN RE:)	Chapter 13
)	
Marlen D. Hawkins,)	Case No. 18-21098
)	
Debtor.)	Judge Thorne

NOTICE OF MOTION

To the following persons or entities who were served via email by the Bankruptcy Court
U.S. Bankruptcy Trustee: USTPRegion11.ES.ECF@usdoj.gov
Marilyn O. Marshall, Chapter 13 Trustee: courtdocs@chi13.com

To the following persons or entities who were served via first-class U.S. Mail:
See attached service list.

PLEASE TAKE NOTICE that on August 11, 2021, at 1:30 P.M., I will appear before the Honorable Judge Thorne or any judge sitting in that judge's place, and present the **Motion to Vacate Dismissal Order**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com>. Then enter the meeting ID.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID.

Meeting ID and password. The meeting ID for this hearing is 160 9362 1728 – NO password required. The meeting ID and further information can also be found on Judge Thorne's web page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

PROOF OF SERVICE

The undersigned certifies that a copy of this Notice of Motion and attachments were served to the listed persons or entities, if service by mail was indicated above, by depositing same in the

U.S. Mail at, Wheeling, Illinois, 60090, on or before July 29, 2021 with sufficient postage prepaid, or served electronically by the bankruptcy court, under oath and under all penalties of perjury.

/s/ Alexander Preber
Alexander Preber, ARDC #6324520
Attorney for the Debtor(s)

DAVID M. SIEGEL & ASSOCIATES
790 Chaddick Drive
Wheeling, IL 60090
(847) 520-8100

To the following persons or entities who were served via first-class U.S. Mail:

Marlen D. Hawkins
16 47th Ave
Bellwood, IL 60104

GFC Lending, LLC
PO BOX 29018
PHOENIX, AZ 85038

City of Chicago Department
Of Administrative Hearing
City of Chicago - DOAH C/O Arnold Scott
111 W. Jackson Ste 600
Chicago, IL 60604

UNITED STATES DEPARTMENT OF
EDUCATION
CLAIMS FILING UNIT
PO BOX 8973
MADISON, WI 53708-8973

SYNCHRONY BANK
c/o Weinstein & Riley, PS
2001 Western Ave., Ste 400
Seattle, WA 98121

T Mobile/T-Mobile USA Inc
by American InfoSource as agent
4515 N Santa Fe Ave
Oklahoma City, OK 73118

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MOTION TO VACATE DISMISSAL ORDER

NOW COMES the Debtor, Marlen D. Hawkins, by and through his attorneys, DAVID M. SIEGEL & ASSOCIATES, LLC, to present this Motion, and in support thereof states as follows:

1. Jurisdiction is proper and venue is fixed in this Court with respect to these parties.
2. On July 27, 2018, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 under Title 11. Marilyn O. Marshall was appointed Trustee in this case.
3. The Debtor's Chapter 13 plan currently provides for payments of \$175.00 per month for an initial plan term of 36 months, with payments to the general unsecured creditors of at least 10% of their allowed claims.
4. On July 28, 2021, an Order Dismissing Case for Material Default (Docket #47) was entered, dismissing the case.
5. At the time of dismissal, the debtor failed to turn over his 2020 federal tax returns to the Trustee. The Debtor has now tendered his 2020 Federal Tax Returns to his attorneys, and they have been sent to the Trustee in his case.
6. As a result, the Debtor respectfully requests that the Order Dismissing Case for Material Default be vacated pursuant to Rule 9023, Federal Rules of Bankruptcy Procedure, and his case reinstated.

WHEREFORE, the Debtor, Marlen D. Hawkins, prays that this Honorable Court enter an Order vacating Docket #47, the Order Dismissing Case for Material Default, and reinstating his case, and granting any other and further relief the Court deems fair and proper.

Respectfully Submitted,

/s/ Alexander Preber
Alexander Preber, ARDC #6324520
Attorney for the Debtor

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